

**Notice of Allowability**

Application No.

10/043,361

Applicant(s)

EHRMAN ET AL.

Examiner

Art Unit

Elaine Gort

3627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Amendment of 6/12/07.
2. ☒ The allowed claim(s) is/are 31, 34-43 and 51-57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James E. Schutz on August 30, 2007 and September 10, 2007.

The application has been amended as follows:

In the Specification page 12 line 7 the terms "Figure 16A and 16B represent" has been replaced with the terms --Figure 16 represents--.

In claim 31 line 8 the second occurrence of the term "and" has been deleted.

In claim 31 line 13 the terms--; wherein each of the local monitor nodes includes a processor operable to be responsive to received asset control data originated at the management computer, to make decisions concerning operation of the mobile asset in view of the received asset control data and wirelessly communicate instructions for mobile asset operation to the mobile asset; and wherein the management computer operates to determine to which ones of the plurality of local monitor nodes does the asset control data for a certain one of the plurality of mobile assets need to be communicated-- has been inserted after the term "computer".

Claims 32 and 33 have been deleted/*cancelled*.

In claim 38 line 2 the second occurrence of the term "asset" has been replaced with the term --access--.

82  
11/14/07

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of the claims in this case is the inclusion of the management computer storing asset control data for a plurality of mobile assets; asset monitors for the mobile assets, for wirelessly monitoring and collecting asset monitoring data, for receiving asset control data from the management computer and for controlling operation of the assets in view of the asset monitored data and the received asset control data; a wireless communications infrastructure connecting the management computer to the mobile assets including a plurality of local monitor nodes that store asset control data in a relational database format for a portion of the plurality of the mobile assets that is at least a partial replica of the asset control data stored by the management computer; where each local monitor node includes a processor operable to respond to received asset control data originated at the management computer, to make decisions concerning operation of the mobile asset in view of the received asset control data and wirelessly communicate instructions for mobile asset operation to the mobile asset; and where the management computer operates to determine to which ones of the plurality of local monitor nodes does the asset control data for a certain one of the plurality of mobile assets need to be communicated which is included in all the independent claims, in combination with the other elements recited, which is not found in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571/272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Elaine Gort  
Primary Examiner  
Art Unit 3627

September 20, 2007